

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

SMITH et al.

Atty. Ref.: 2551-49

Patent No. 6,858,387

Issued: February 22, 2005

For: NUCLEIC ACID PROBES AND METHODS FOR
DETECTING CLINICALLY IMPORTANT FUNGAL
PATHOGENS

* * * * *

May 26, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR A CERTIFICATE OF CORRECTION

The patentee in the above-identified patent hereby requests that the Patent and Trademark Office issue an official Certificate of Correction pursuant to 37 C.F.R. § 1.322 for the mistakes indicated in the following made by the Patent Office and 37 C.F.R. § 1.323 for mistakes indicated in the following made by the applicants.

Column 45, line 32; claim 1, line 3: delete "aid " and insert therefor --said--.

This error arose from a Patent Office mistake in printing. Specifically, the Amendment of October 16, 2003 revised claim 41 of the application, which issued as claim 1 of the patent, as follows (as obtained from the Patent Office files):

41. (Currently Amended) An isolated oligonucleotide molecule consisting of a nucleotide sequence represented by any of SEQ ID NOs: 2 to 13, or 33 to 38, or the RNA equivalents of said SEQ IDs wherein T is replaced by U, or the complementary nucleic acid of said SEQ IDs, wherein the isolated oligonucleotide molecule is capable of being used as a species specific probe in the detection of one of the following fungal pathogens: *Candida albicans*, *Candida parapsilosis*, *Candida tropicalis*, *Candida kefyr*, *Candida krusei*, *Candida glabrata*, and *Candida dubliniensis*.

Column 46, line 49; claim 6, line 4: delete "NOs:3 " and insert therefor -- NOs:6--.

This error arose from a Patent Office mistake in printing. Specifically, the Amendment of October 16, 2003 restated claim 47 of the application, which issued as claim 6 of the patent, as follows (as obtained from the Patent Office files):

47. (Previously Amended) Method according to claim 43 wherein the *Candida* species is *Candida tropicalis* and wherein the at least one oligonucleotide molecule of step (iii) is
chosen from among SEQ ID NOs:6 and 36.

Column 46, lines 61-62; claim 10, lines 1 and 2 (the entire claim): delete "Method according to claim 2 wherein the *Candida* of step (iii) is from among SEQ ID NOs:11, 12, 13 and 38 " and insert therefor -- Method according to claim 2 wherein the *Candida* species is *Candida dubliniensis* and wherein the oligonucleotide molecule of step (iii) is chosen from among SEQ ID NOs 11, 12, 13 and 38--.

This error arose from a Patent Office mistake in printing. Specifically, the Amendment of October 16, 2003 restated claim 51 of the application, which issued as claim 10 of the patent, as follows (as obtained from the Patent Office files):

51. (Previously Amended) Method according to claim 43 wherein the *Candida* species is *Candida dubliniensis* and wherein the at least one oligonucleotide molecule of step (iii) is chosen from among SEQ ID NOs:11, 12, 13 and 38.

Column 46, line 64; claim 11, line 2: delete "stop " and insert therefor -- step--.

This error arose from a Patent Office mistake in printing. Specifically, the Amendment of October 16, 2003 revised claim 52 of the application, which issued as claim 11 of the patent, as follows (as obtained from the Patent Office files):

52. (Previously Amended) Method according to claim 43 wherein the at least one oligonucleotide molecule of step (iii) is immobilized to a solid support.

Column 48, line 28; claim 22, line 2: delete "molecule " and insert therefor -- molecules--.

This error arose from the applicants mistake. The mistake arose without deceptive intent and is believed to be a mistake of a clerical nature, or a typographical nature and/or of minor character which does not add new matter and does not require reexamination. Specifically, the Amendment of October 16, 2003 restated claim 63 of the application, which issued as claim 22 of the patent, as follows (as obtained from the Patent Office files):

63. (Previously Amended) Method according to claim 54 wherein the at least two oligonucleotide molecule of step (iii) are immobilized to a solid support.

One (1) sheet of Certificate of Correction containing these requested corrections are attached for use by the Patent Office.

No new matter has been added by the attached Certificates of Correction.

Since at least some of the above-indicated mistakes arose due to the applicants, the Rule 20(a) fee (\$100, fee code 1811) is attached, pursuant to 37 C.F.R. § 1.323, for securing issuance of the Certificate.

The patentee in the above-identified patent hereby request that the Patent and Trademark Office issue an official Certificate of Correction pursuant to 37 C.F.R. §§ 1.322 and 1.323 as described herein and in the attached.

Attached hereto is a draft Official Certificate of Correction (1 sheet) for use by the Patent and Trademark Office correcting the above-identified matter.

The Director is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. The Office is requested to advise the undersigned in the event anything further is required in this regard.

SMITH et al.

U.S. Patent No. 6,858,387 B1

Atty. Ref.: 2551-49

REQUEST FOR A CERTIFICATE OF CORRECTION

May 26, 2010

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/

B. J. Sadoff

Reg. No. 36,663

BJS:

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100